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FROM: Duane A. Stewart III

Telephone #: 412-562-1622

Date 10/26/2004

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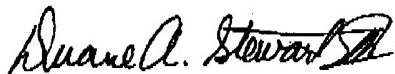
Attention: Examiner Maryam Monshipouri, Ph.D.

Re: Declaration Concerning Microorganism Deposit

Dear Examiner Monshipouri:

Attached is a copy of the Declaration Concerning Microorganism Deposit filed in the United States Patent and Trademark Office. The Declaration was originally submitted in application Serial No. 09/220,081, which is the parent application of the present divisional application Serial No. 10/045,072. The Declaration is to verify that the microorganism concerned in the present application has been deposited under terms of the Budapest Treaty at the American Type Culture Collection and given accession number PTA-982. Please contact me if I may be of further assistance.

Very truly yours,



Duane A. Stewart III
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DASIII/vjc
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sinskey *et al.*

Appl. No. 09/220,081

Filed: December 23, 1998

For: Pyruvate Carboxylase Gene from
Corynebacterium glutamicum

Art Unit: 1652

Examiner: Monshipouri, M.

Atty. Docket: 1533.0790000/SRL/CMB

Declaration Concerning Microorganism Deposit

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Assurance is hereby given that: (1) *E. coli* DH5 α was deposited under the terms of the Budapest Treaty on November 22, 1999 at the American Type Culture Collection, Patent Depository, 10801 University Boulevard, Manassas, VA 20110-2209 (current address), and given accession number PTA-982; and (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposit will be irrevocably and without restriction or condition removed upon the granting of a patent.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are

- 2 -

punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Respectfully submitted,

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Date: 4/3/00

By: Jarmila Z. Hrbek

Name (please print): JARMILA Z. HRBEK
PATENT ADMINISTRATOR
AND OFFICE MANAGER
Title: TECHNOLOGY LICENSING OFFICE